



**US Army Corps  
Of Engineers**  
Walla Walla District  
201 North Third Avenue  
Walla Walla, WA 99362-1876

# **Public Notice of Application for Permit and Notice of Public Hearing**

APPLICATION NO: NWW No. 981101710

APPLICANT: Emerald Creek Garnet Ltd.

PUBLIC NOTICE DATE: November 20, 2003

39-Day Notice

COMMENTS DUE DATE: December 29, 2003

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT - Emerald Creek Garnet, Ltd., 1301 West Lakewood Drive, Suite 201, Coeur d'Alene, Idaho 83814, contact Mr. Lindsay Gorrill at 208-666-6000. For information from the Corps of Engineers, contact Mr. Michael T. Doherty at 208-765-7237.

LOCATION – Wetlands adjacent to the St. Maries River in portions of Secs. 5, 8, 9, 15, and 16, T.43N., R.1E., Boise Meridian, near Fernwood in Shoshone and Benewah Counties, Idaho.

WORK – The discharge of dredged and fill material in approximately 133 acres of wetlands associated with the mining of alluvial garnet deposits on 327.5 acres of current and historic flood plain of the St. Maries River. This includes temporary fills for the construction of isolation berms, topsoil, overburden stockpiles, and work pads, as well as discharges of dredged and fill material associated with the excavation and reclamation of the site. The general location is shown in the attached drawings. A Draft Environmental Impact Statement (DEIS) containing a complete description of the project configuration, impact, and restoration/mitigation plans is available by calling the Coeur d'Alene Idaho Regulatory Field Office at 208-765-7237 or on our website at [www.nww.usace.army.mil](http://www.nww.usace.army.mil) under "Hot Topics".

CONSTRUCTION PERIOD - Applicant proposes to start construction on or about June 1, 2003 and end on or about June 1, 2023. The permit would authorize discharges for a period of 20 years.

PURPOSE – This is an industrial garnet mining project designed to increase total reserves to meet worldwide demand for garnet products; retain and increase customer base by showing capability of market longevity; increase availability of specific reserve grades for two target markets, water jet cutting, and oil industries; and to improve mining efficiency of the company.

AREA DESCRIPTION - The project area lies in a corridor along the St. Maries River stretching from just above the confluence of Emerald Creek and the St. Maries River approximately 4 miles upstream to just below the confluence of Carpenter Creek and the St. Maries River. The project site is approximately 327.5 acres in size containing 194.5 acres of uplands and a variety of wetlands and other waters of the United States on the remaining 133 acres. The site is owned by several landowners who have leased mineral rights to the applicant along with land owned in fee by Emerald Creek Garnet, Ltd.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT** - Between 84.3 and 133 acres of various types of wetlands and waters of the United States would be mined depending on the alternative. The mined wetland areas would be temporarily destroyed in small increments each year, with mitigation/restoration occurring as mining progresses. At completion of mining, the site would include an additional 29.4 acres of various wetlands in addition to restoration of the impacted wetlands, a mitigation ratio of 1.22:1. Most of the increased wetland acreage proposed for mitigation would be located on land owned in fee by Emerald Creek Garnet, Ltd.

**OTHER AUTHORIZATIONS** - Other authorizations obtained or requested include a Water Quality Certification by the Idaho Department of Environmental Quality, and a mining permit from the Idaho Department of Lands. Other permits may also be necessary.

**WATER QUALITY CERTIFICATION** - This will also serve as public notice that Idaho Department of Environmental Quality is evaluating whether to certify that discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the State of Idaho, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60 days of this public notice date, and an extension of this period is not granted to the Idaho Department of Environmental Quality, certification will be considered waived. Comments concerning certification for this project should be mailed to Ms. June Bergquist, Idaho Department of Environmental Quality, Coeur d'Alene Regional Office, 2110 Ironwood Parkway, Coeur d'Alene, Idaho, 83814.

**CULTURAL RESOURCES** - An archaeological survey has been prepared and coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

**ENDANGERED SPECIES** - Biological assessments have been prepared for listed species and coordination is currently being conducted with the U.S. Fish and Wildlife Service to determine if the activity will have any effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

**ENVIRONMENTAL IMPACT STATEMENT** - We determined this project would have a significant impact on the quality of the human environment. Therefore, a DEIS has been prepared and advertised in the Federal Register on November 14, 2003. Copies of the DEIS are available by calling the Corps of Engineers Coeur d'Alene Regulatory Office at 208-765-7237 or by accessing our website at [www.nww.usace.army.mil](http://www.nww.usace.army.mil) under "Hot Topics". Following receipt and consideration of comments, a Final Environmental Impact Statement (FEIS) and Record of Decision will be issued.

**AUTHORITY** - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

**EVALUATION** - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the

needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

**CONSIDERATION OF PUBLIC COMMENTS** - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors. Comments will be used in preparation of a FEIS pursuant to the National Environmental Policy Act and will become an official part of the public record on this project. The public will be notified of completion and distribution of the FEIS, and it will be available when completed at the Corps of Engineers Office in Coeur d'Alene and on our website, addresses listed above.

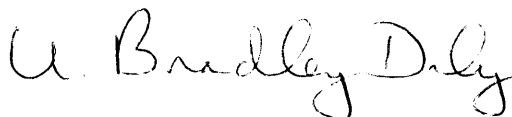
**PUBLIC HEARING** - A Public Hearing will be held on Wednesday, December 10, 2003 at the Idaho Panhandle National Forests Office, 3815 Schreiber Way, Coeur d'Alene, Idaho from 7:00 p.m. to 9:00 p.m.. The applicant will provide a short presentation on the project after which interested persons or their representatives will be asked to present their views on social, economic, or environmental impacts, alternatives, or any other concerns relative to the proposed project. Written comments will also be accepted at the meeting and until December 29, 2003.

**PUBLIC MEETING** - A Public Meeting will be held on Tuesday, December 9, 2003 at the Emerald Creek Garnet Ltd. headquarters building 4 miles south of Fernwood, Idaho, on State Highway 3, from 5:00 p.m. to 7:00 p.m. Attendees will be able to view exhibits of the proposal and ask questions to company and government representatives. Written comments will also be accepted.

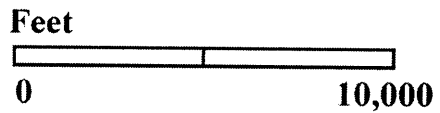
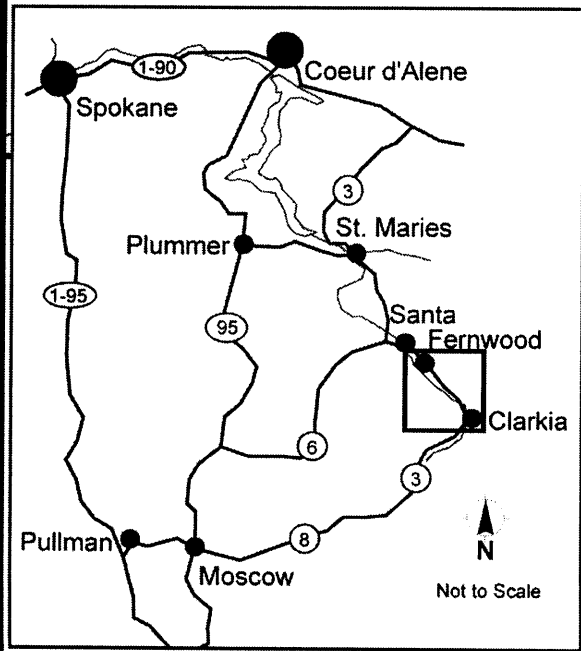
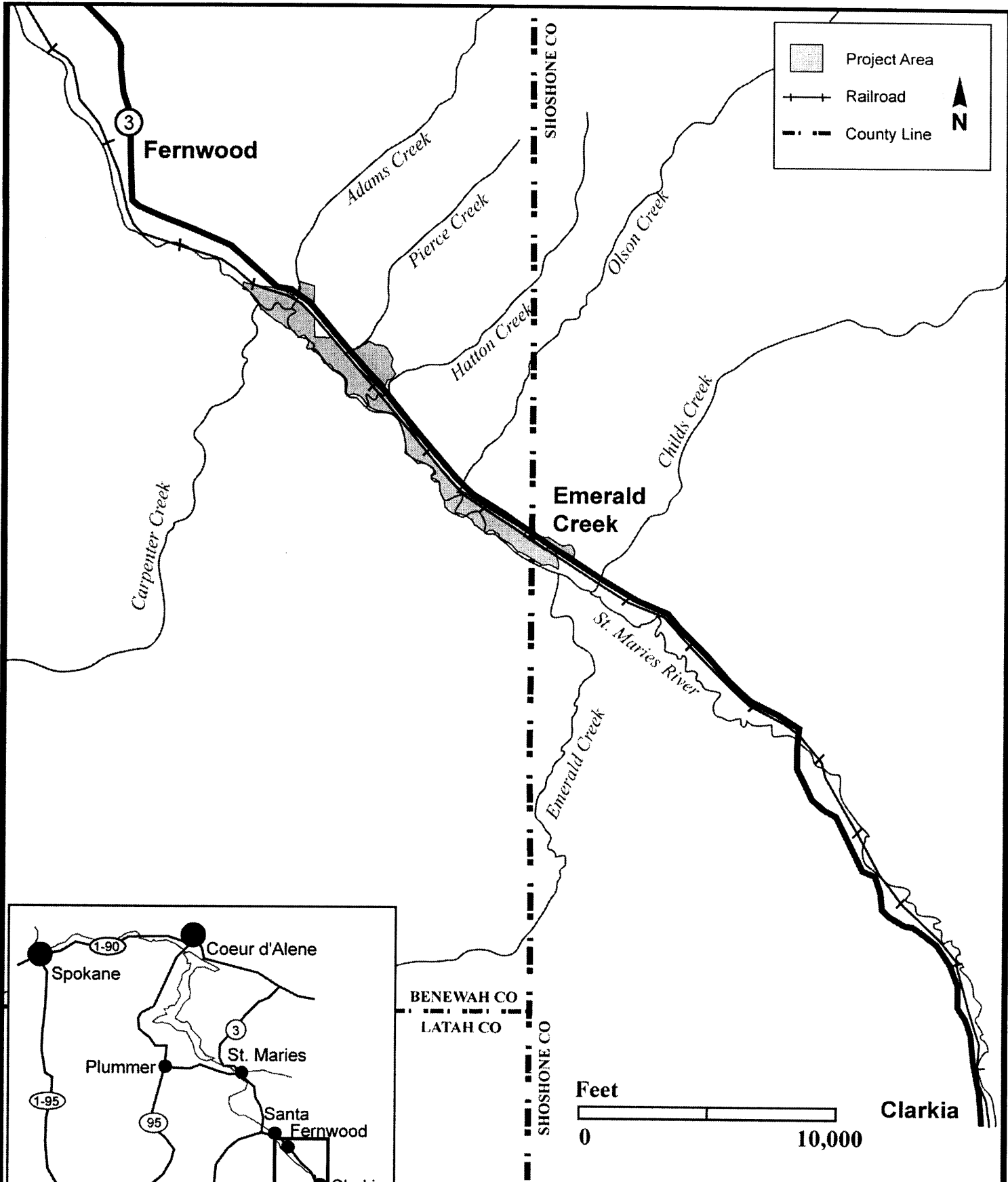
**COMMENT AND REVIEW PERIOD** - Interested parties not attending the public hearing or meeting and wishing to comment, are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**U.S. Army Corps of Engineers  
Coeur d'Alene Regulatory Office  
Idaho Panhandle National Forest Building  
3815 Schreiber Way  
Coeur d'Alene, Idaho 83815-8363**

Comments should be received not later than December 29, 2003 to receive consideration.



A. Bradley Daly  
Chief, Regulatory Division



NWW No. 981101710  
 Emerald Creek Garnet, Ltd.  
 Wetlands adj to St. Maries River  
 Shoshone & Bannock Counties, Idaho  
 Sheet 1 of 2  
 October 29, 2003

NW No. 981101710  
 Emerald Creek Garnet, Ltd.  
 Wetlands adj to St. Maries River  
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 Sheet 2 of 2  
 October 29, 2003

